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10 Counsel for Plaintiff

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12   **UNITED STATES DISTRICT COURT**

13   **NORTHERN DISTRICT OF CALIFORNIA**

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16 CHRIS CRIMI, on Behalf of Himself and   )   CASE NO. C 08-02249 CRB
    All Others Similarly Situated,   )
17   )   **CLASS ACTION**
                         Plaintiff,   )
18   v.   )   **STIPULATION AND [PROPOSED]**
)   **ORDER CONTINUING HEARING DATE**
19 EDWARD W. BARNHOLT, H.   )   **ON MOTION TO DISMISS AND**
    RAYMOND BINGHAM, ROBERT T.   )   **ESTABLISHING BRIEFING SCHEDULE**
20 BOND, RICHARD J. ELKUS, JR.,   )   **FOR: (i) DEFENDANT'S MOTION TO**
    STEPHEN P. KAUFMAN, KENNETH   )   **DISMISS; AND (ii) PLAINTIFF'S**
21 LEVY, MICHAEL E. MARKS, DEAN O.   )   **MOTION FOR REMAND**
    MORTON, KENNETH L. SCHROEDER,   )
22 JON D. TOMPKINS, RICHARD P.   )
    WALLACE, KLA-TENCOR   )
23 CORPORATION, and DOES 1 through 25,   )
)
24   Defendants.   )
    _____   )
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STIP & [PROPOSED] ORDER CONTINUING HEARING DATE ON MOTION TO DISMISS & ESTABLISHING
BRIEFING SCHEDULE FOR MOTION TO DISMISS AND MOTION FOR REMAND   CASE NO. C 08-2249 CRB
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1   WHEREAS, on September 4, 2007, plaintiff Chris Crimi ("Plaintiff") filed a Complaint for

2 alleged violations of state law against defendant KLA-Tencor Corporation ("KLA-Tencor") and

3 certain of the members of its Board of Directors with that Superior Court of the State of California

4 for the County of Santa Clara (the "State Court");

5   WHEREAS, on November 14, 2007, KLA-Tencor filed their Motion to Stay plaintiff's

6 Complaint, and on January 8, 2008, filed a Demurrer to plaintiff's Complaint;

7   WHEREAS, after briefing and hearing on the Motion to Stay, on February 29, 2008, the

8 State Court granted KLA-Tencor's Demurrer with leave to amend and denied the Motion to Stay

9 without prejudice;

10   WHEREAS, on April 1, 2008, Plaintiff filed his Amended Complaint;

11   WHEREAS, on April 30, 2008, KLA-Tencor filed its Notice of Removal with this Court;

12   WHEREAS, on May 7, 2008, KLA-Tencor filed a Motion to Dismiss the Amended

13 Complaint, scheduling it for hearing on Friday, June 13, 2008 at 10:00 a.m.;

14   WHEREAS, Plaintiff has informed KLA-Tencor that he intends to file a Motion for Remand

15 and believes that the Motion for Remand should be heard prior to or on the same day of the Motion

16 to Dismiss;

17   WHEREAS, the parties have agreed to continue the hearing on KLA-Tencor's Motion to

18 Dismiss, if so agreed to by the Court, to a mutually convenient date on which the Motion for

19 Remand may also be heard;

20   WHEREAS, due to conflicts in counsel's schedule, the parties have agreed that, if so

21 granted by this Court, the hearing on the Motion to Dismiss and Motion for Remand should be on

22 Friday, July 18, 2008 at 10:00 a.m.;

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1   IT IS HEREBY STIPULATED between the parties, by their counsel of record, that:

2   With regards to the Motion to Dismiss:

3   1.   Plaintiff's Opposition to the Motion to Dismiss will be filed and served on Thursday,

4   June 12, 2008;

5   2.   Defendant's Reply in Support of the Motion to Dismiss will be filed and served on

6   Thursday, July 3, 2008;

7   3.   Hearing on the Motion to Dismiss will be on Friday, July 18, 2008 at 10:00 a.m., or a

8   later date which is convenient to the Court.

9   With regards to the Motion to Remand:

10   1.   Plaintiff's Motion to Remand will be filed and served on Thursday, May 29, 2008;

11   2.   Defendant's Opposition to the Motion to Remand will be filed and served on

12   Thursday, June 26, 2008;

13   3.   Plaintiff's Reply in Support of the Motion to Remand will be filed and served on

14   Thursday, July 3, 2008;

15   4.   Hearing on the Motion to Remand will be on Friday, July 18, 2008 at 10:00 a.m., or

16   a later date which is convenient to the Court.

17   IT IS SO STIPULATED.

18   **ATTESTATION OF PATRICE L. BISHOP**

19   I, Patrice L. Bishop, hereby attest that the contents of this document are acceptable to all

20   persons required to sign it. I further attest that I have on file all holograph signatures for any

21   signatures indicated by a "conformed" signature (/s/) within this efiled document.

22   Dated: May 22, 2008   Patrice L. Bishop
                                               STULL, STULL & BRODY
23

24   By: /s/
                                         Patrice L. Bishop
25   10940 Wilshire Boulevard
                                         Suite 2300
26   Los Angeles, CA 90024
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7   Dated: May 22, 2008

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By: /s/
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          Tel: (415) 442-1000
          Fax: (415) 442-1001

          Counsel for Defendant

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[Proposed] ORDER

2   Pursuant to the Stipulation of the parties, good cause having been shown, IT IS HEREBY

3 ORDERED THAT:

4   With regards to the Motion to Dismiss:

5   1.   Plaintiff's Opposition to the Motion to Dismiss will be filed and served on Thursday,

6   June 12, 2008;

7   2.   Defendant's Reply in Support of the Motion to Dismiss will be filed and served on

8   Thursday, July 3, 2008;

9   3.   Hearing on the Motion to Dismiss will be on Friday, July 18, 2008 at 10:00 a.m.

10   With regards to the Motion to Remand:

11   1.   Plaintiff's Motion to Remand will be filed and served on Thursday, May 29, 2008;

12   2.   Defendant's Opposition to the Motion to Remand will be filed and served on

13   Thursday, June 26, 2008;

14   3.   Plaintiff's Reply in Support of the Motion to Remand will be filed and served on

15   Thursday, July 3, 2008;

16   4.   Hearing on the Motion to Remand will be on Friday, July 18, 2008 at 10:00 a.m.

17   IT IS SO ORDERED.

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20 Dated: _____   _____

21   HONORABLE CHARLES R. BREYER
                                     DISTRICT COURT JUDGE

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STIP & [PROPOSED] ORDER CONTINUING HEARING DATE ON MOTION TO DISMISS & ESTABLISHING
BRIEFING SCHEDULE FOR MOTION TO DISMISS AND MOTION FOR REMAND   CASE NO. C 08-2249 CRB
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